

Message Text

LIMITED OFFICIAL USE

PAGE 01 NEW DE 11834 051902Z

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ACTION SCS-03

INFO OCT-01 NEA-09 ISO-00 L-03 SY-04 H-03 /023 W

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R 051910Z SEP 74

FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC 3712

LIMITED OFFICIAL USE NEW DELHI 11834

FOLLOWING SENT ACTION NEW DELHI FROM CALCUTTA ON SEP 5 1974
NOW REPEATED FOR YOUR INFO.

QUOTE

LIMITED OFFICIAL USE CALCUTTA 1842

E.O. 11652: N/A

TAGS: CASC, PFOR, I

SUBJ: HARCOS/FLETCHER: RIGHT OF DEFENSE TO EXAMINE
DOCUMENTATION

UNABLE TO MAKE AN APPOINTMENT WITH CHIEF SECRETARY, WHO IS
GETTING READY TO MAKE A TRIP TO NEW DELHI, I TRANSMITTED THE
FOLLOWING LETTER TO HIM ON SEPTEMBER 4, 1974:

QUOTE DEAR MR. GUPTA: I UNDERSTAND THAT THERE WILL BE A
HEARING ON THURSDAY, SEPTEMBER 5, 1974 IN RELATION TO THE
HARCOS AND FLETCHER TRIAL. THE SUBJECT WILL BE THE PRESIDING
JUDGE'S EARLIER RULING GRANTING TO DEFENSE THE RIGHT TO
EXAMINE THE DOCUMENTATION SUPPORTING THE STATE'S CASE
AGAINST THE UNDER TRIAL PRISONERS. THE DEFENSE LAWYERS UNDER-
STAND THAT THE PROSECUTION IS CONTEMPLATING A POSSIBLE
APPEAL OF THIS RULING TO THE HIGH COURT.

"THIS INFORMATION, ASSUMING IT IS ACCURATE, CONCERNS ME ON
TWO COUNTS. FIRST, IT IS INCONCEIVABLE THAT A FAIR TRIAL,
OR ANY TRIAL, COULD BE CONDUCTED UNLESS DEFENSE IS INFORMED
ABOUT THE NATURE OF THE CASE AGAINST THEIR CLIENTS.

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THEREFORE, IT IS HARD TO UNDERSTAND WHY AN APPEAL AGAINST THIS

RULING WOULD BE CONTEMPLATED. SECONDLY, SUCH AN APPEAL
WOULD DELAY THE BEGINNING OF THE TRIAL, WHICH HAS AS YOU
KNOW ALREADY BEEN DELAYED TO THE POINT OF CAUSING CONSIDERABLE
CONCERN TO MY GOVERNMENT.

"I WOULD APPRECIATE IT GREATLY IF YOU COULD LOOK INTO THIS
MATTER AND HOPEFULLY FORESTALL AN APPEAL ON THIS PARTICULAR
RULING. SINCERELY, UNQUOTE.
PICKERING UNQUOTE
MOYNIHAN

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Message Attributes

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Disposition Approved on Date:
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Disposition Case Number: n/a
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Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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